

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

PIYUSH G. PATEL, DAVID J. KIRKPATRICK,
ERIC JAEGER, BRUCE D. KAY, ROBERT J.
GAGALIS, ROBERT G. BARBER, JR.,
LAWRENCE COLLINS, MICHAEL A.
SKUBISZ, JERRY A. SHANAHAN,
HOR CHONG (DAVID) BOEY,

Defendants.

No. 01:07-00039-SM

DEFENDANT ERIC JAEGER'S SUPPLEMENT TO PRETRIAL STATEMENT

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October 19, 2012

NOW COMES Defendant Eric Jaeger, by and through his attorneys, and, pursuant to Local Rule 16.2(a)(8), hereby supplements and amends Section X of his October 12, 2012 Pretrial Statement (Dkt. No. 319) to read in full as follows:

I. DEMAND AND OFFER; ALTERNATIVE DISPUTE RESOLUTION

Last week, Mr. Jaeger proposed to trial counsel for the SEC (associated with the SEC's Denver Regional Office) a settlement of this matter that, if consummated, would result in (i) the SEC's voluntary dismissal of Count III (aiding and abetting a scheme), and (ii) entry of judgment on a no admit, no deny basis on Count IV (books and records) whereby Mr. Jaeger would agree to an injunction against a future books and records violation, without any cash payment or other penalty or sanction. The SEC's trial counsel has advised Mr. Jaeger's counsel that she has since recommended the proposed settlement for approval by the senior staff of the SEC in Washington, D.C. The SEC's trial counsel has advised, however, that the staff in Washington, D.C. is unlikely to act on the recommendation before the October 30, 2012 pretrial conference and that, thereafter, the settlement must be placed on the calendar of the full Commission for final approval.

Respectfully submitted,

ERIC JAEGER,
By his attorneys,

/s/ Jonathan A. Shapiro

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CERTIFICATE OF SERVICE

I, Elizabeth H. Skey, hereby certify that Defendant Eric Jaeger's Supplement to Pretrial Statement, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on October 19, 2012.

/s/ Elizabeth H. Skey
Elizabeth H. Skey

Dated: October 19, 2012